

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DELUX PUBLIC CHARTER, LLC, et al.,

Plaintiffs,

-against-

COUNTY OF WESTCHESTER, et al.,

ORDER

22-CV-01930 (PMH)

Defendants.

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PHILIP M. HALPERN, United States District Judge:

Counsel for all parties appeared by telephone for a pre-motion conference at 11:00 a.m. today.

For the reasons discussed on the record, the Court directed the parties to meet and confer and file a Stipulation to be so-ordered by 5:00 p.m. on March 14, 2022 concerning the promises set forth in the County's letters (Doc. 21, Doc. 29) with respect to plaintiffs' operations at the Westchester County Airport and impact on certain non-parties.

The Court denied plaintiffs' application for a temporary restraining order. (Doc. 14). The Court set the balance of the briefing schedule for plaintiff's motion for a preliminary injunction: defendants' opposition to the motion, together with their arguments in support of abstention, shall be filed by April 1, 2022. Plaintiffs' reply shall be filed by April 11, 2022. The Order to Show Cause will be separately docketed.

Plaintiffs shall, by 5:00 p.m. on March 14, 2022, advise the Court if they withdraw their motion for a preliminary injunction in light of the parties' Stipulation to be so-ordered. In the event plaintiffs withdraw the motion, then defendants' motion for abstention shall be filed by March 25, 2022, limited to ten pages; and Plaintiffs' opposition thereto, also limited to ten pages, shall be filed by April 1, 2022.

The Court denied without prejudice the motion to dismiss under Fed. R. Civ. P. 21 filed by defendants AvPorts, LLC and April Gasparri (Doc. 28) for failure to comply with the Court's Individual Practices. The parties are directed to meet and confer to determine if AvPorts and Ms. Gasparri should be removed as defendants in this action, and advise the Court of same by 5:00 p.m. on March 14, 2022.

See transcript.

The Clerk of Court is respectfully directed to terminate the motions pending at Doc. 14 and Doc. 28.

SO ORDERED:

Dated: White Plains, New York
March 11, 2022


Philip M. Halpern
United States District Judge